

AMENDED IN SENATE MARCH 13, 2008
AMENDED IN ASSEMBLY JANUARY 29, 2008
AMENDED IN ASSEMBLY JANUARY 9, 2008
AMENDED IN ASSEMBLY JANUARY 7, 2008
AMENDED IN ASSEMBLY JUNE 21, 2007
AMENDED IN ASSEMBLY APRIL 30, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 501

**Introduced by Assembly Members Swanson and Hancock
(Coauthor: Assembly Member Dymally)**

February 20, 2007

An act to add Section 118288 to the Health and Safety Code, relating to pharmaceutical devices.

LEGISLATIVE COUNSEL'S DIGEST

AB 501, as amended, Swanson. Pharmaceutical devices.

The existing Medical Waste Management Act, administered by the State Department of Public Health, regulates the management and handling of medical waste, as defined. Under existing law, certain items, such as home-generated sharps waste, as defined, are specifically excluded from the definition of medical waste. The act prohibits, on or after September 1, 2008, a person from knowingly placing home-generated sharps waste in certain types of containers, provides that home-generated sharps waste is to be transported only in a sharps container, as defined, or other container approved by the department

or local enforcement agency, and requires this waste to only be managed at specified locations consistent with existing law.

This bill would require a pharmaceutical manufacturer whose product is administered for home use through a prefilled syringe, prefilled pen, or other prefilled injection device to arrange to provide, upon request from a consumer, a postage prepaid, mail-back sharps container that has been approved by the United States Postal Service and the department or a sharps container for the safe storage and transport of sharps to a sharps consolidation location approved by the department or a clinic, physician, or pharmacy that accepts home-generated sharps waste, along with concise information on ~~specified disposal~~ *safe disposal alternatives and options for sharps*.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) An estimated 1 million Californians must self-inject
- 4 prescription medications annually to treat a broad range of serious
- 5 health problems.
- 6 (b) The use of prefilled syringes, prefilled pens, and other
- 7 prefilled devices with needles is an effective method of prescription
- 8 drug delivery and is expected to increase significantly in the future.
- 9 Prefilled syringes, prefilled pens, and other prefilled devices with
- 10 needles are clearly identified and linked to specific pharmaceutical
- 11 manufacturers for the provision of their product to California
- 12 residents.
- 13 (c) The increased use of prefilled syringes, prefilled pens, and
- 14 other prefilled devices with needles will generate millions of
- 15 home-generated sharps each year. Prefilled pen devices are being
- 16 used for the treatment of some of the most serious health conditions
- 17 such as HIV/AIDS, hepatitis C, and many other diseases. If
- 18 improperly disposed in solid waste and recycling containers these
- 19 needles will result in significant public health risks.
- 20 (d) The Legislature has found that sharps mail-back programs
- 21 utilizing containers and packaging approved by the United States
- 22 Postal Service offer one of the most convenient means for
- 23 collecting and destroying home-generated sharps and that the

1 cooperative efforts of the pharmaceutical industry are needed to
2 develop a safe needle disposal system for California.

3 SEC. 2. Section 118288 is added to the Health and Safety Code,
4 to read:

5 118288. (a) Upon request of a consumer of a prefilled syringe,
6 prefilled pen, or other prefilled injection device administered at
7 home, a pharmaceutical manufacturer shall arrange to provide the
8 consumer with either of the following:

9 (1) A postage prepaid, mail-back sharps container that has been
10 approved by the United States Postal Service and the State
11 Department of Public Health.

12 (2) A sharps container for the safe storage of, and transport to,
13 a sharps consolidation location that is approved by the State
14 Department of Public Health or to a clinic, physician, or pharmacy
15 that accepts home-generated sharps waste. This sharps container
16 shall be provided with concise information on ~~the closest available~~
17 ~~safe sharps disposal sites~~ *safe disposal alternatives and options*
18 *for sharps*.

19 (b) For purposes of this section, “sharps container” has the same
20 meaning as in Section 117750.